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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Ronnie John Miranda,

10 Plaintiff,

11 v.

12 Commissioner of Social Security
13 Administration,

14 Defendant.

No. CV-21-01937-PHX-DLR

ORDER

15
16 Plaintiff Ronnie Miranda seeks judicial review of the Social Security
17 Administration's denial of his application for disability insurance benefits. The Court
18 referred this matter to Magistrate Judge Michelle H. Burns for a report and
19 recommendation ("R&R"). Magistrate Judge Burns submitted her R&R on February 1,
20 2023, recommending that the agency's decision be affirmed. (Doc. 23.) The R&R advised
21 the parties that they had 14 days in which to file written objections. Mr. Miranda filed
22 objections on February 14, 2023 (Doc. 24) and the agency filed a response on February 28,
23 2023 (Doc. 25). Having considered the R&R and reviewed those portions to which Mr.
24 Miranda has lodged objections *de novo*, the Court adopts the R&R.

25 Mr. Miranda raises two objections. First, the agency found at step five of the
26 sequential evaluation process that Mr. Miranda was not disabled because there was one job
27 he could still perform: that of a parking attendant. Mr. Miranda argues that was error,
28 relying on *Lounsbury v. Barnhart*, 468 F.3d 1111, 1116-17 (9th Cir. 2006), and *Maxwell*

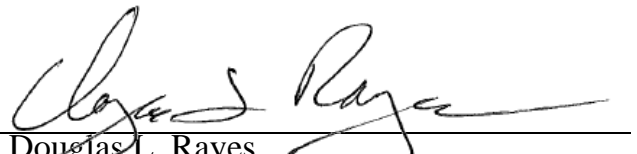
1 v. *Saul*, 971 F.3d 11228, 1130-31 (9th Cir. 2020), for the proposition that the agency does
2 not meet its burden by producing only one job a claimant could perform, regardless of the
3 claimant's age category status. But the R&R correctly determined that those cases are
4 inapplicable to Mr. Miranda's application because they were interpreting a rule that applies
5 only to "individuals of advanced age," defined as those who are 55 or older, and Mr.
6 Miranda was 54 at the time of the ALJ's decision, falling within a different age status
7 category. (*See* Doc. 23 at 5 (citing *Segobia v. Kijakazi*, No. 20-55943, 2021 WL 4317349,
8 at *2, fn 1 (9th Cir. Sep. 23, 2021).)

9 Second, Mr. Miranda argues the agency failed to offer specific, clear, and
10 convincing reasons, supported by substantia evidence in the record, for discounting his
11 symptom testimony. The Court disagrees with Mr. Miranda and agrees with the R&R. The
12 agency did not fully credit Mr. Miranda's testimony about the severity of his symptoms
13 because the agency found the objective medical evidence was not consistent with the
14 severity of those symptoms and because the alleged severity of those symptoms was
15 inconsistent with Mr. Miranda's daily living activities. Both the agency's decision and the
16 R&R surveyed the relevant evidence and reasonably explained why that evidence
17 undermined Mr. Miranda's testimony. The Court finds no reversible error.

18 **IT IS ORDERED** that Mr. Miranda's objections (Doc. 24) are **OVERRULED**, the
19 R&R (Doc. 23) is **ADOPTED**, and the final agency decision is **AFFIRMED**. The Clerk
20 of the Court shall enter judgment accordingly and terminate this case.

21 Dated this 22nd day of March, 2023.

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Douglas L. Rayes
United States District Judge